

# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

|  |  |   |
|--|--|---|
| Applicant's or agent's file reference<br>NO 7274/WO    | <b>FOR FURTHER ACTION</b><br><small>see Form PCT/ISA/220<br/>as well as, where applicable, item 5 below.</small> |   |
| International application No.<br><br>PCT/EP2004/013787 | International filing date (day/month/year)<br><br>03/12/2004   | (Earliest) Priority Date (day/month/year)<br><br>20/12/2003 |
| Applicant<br><br>NESTEC S.A.                           |  |   |

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 4 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

**1. Basis of the report**

a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☐ **Certain claims were found unsearchable** (See Box II).

3. ☐ **Unity of invention is lacking** (see Box III).

4. With regard to the **title**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the **drawings**,

a. the figure of the **drawings** to be published with the abstract is Figure No. \_\_\_\_\_

☐ as suggested by the applicant.

☐ as selected by this Authority, because the applicant failed to suggest a figure.

☐ as selected by this Authority, because this figure better characterizes the invention.

b. ☐ none of the figures is to be published with the abstract.

## INTERNATIONAL SEARCH REPORT

International Application No

PCT/EP2004/013787

**A. CLASSIFICATION OF SUBJECT MATTER**

IPC 7 A23L1/305 A23L1/29 A61K31/401

According to International Patent Classification (IPC) or to both national classification and IPC

**B. FIELDS SEARCHED**

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A23L A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ, FSTA, BIOSIS

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

| Category * | Citation of document, with indication, where appropriate, of the relevant passages   | Relevant to claim No. |
|------------|--|-----------------------|
| X          | US 5 384 308 A (HENKIN R I)<br>24 January 1995 (1995-01-24)<br>claims 1,2<br>column 2, line 15 - column 3, line 68<br>column 5, lines 16-43<br>column 8, lines 9-21<br>----- | 1-11                  |
| X          | DE 102 21 403 A (KYBERG PHARMA VERTRIEBS<br>GMBH &) 4 December 2003 (2003-12-04)<br>claims 1,2,12,13,22<br>-----   | 1-11                  |
| Y          | EP 0 764 405 A (CLINTEC NUTRITION CO)<br>26 March 1997 (1997-03-26)<br>example 2<br>page 2, lines 26-31,53,54<br>page 3, lines 36-41<br>-----<br>-/-                         | 1-11                  |

☒ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

## \* Special categories of cited documents:

- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
- \*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

- \*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- \*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- \*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- \* & \* document member of the same patent family

Date of the actual completion of the international search

8 March 2005

Date of mailing of the international search report

18/03/2005

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2  
NL - 2280 HV Rijswijk  
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,  
Fax: (+31-70) 340-3016

Authorized officer

Tallgren, A

## INTERNATIONAL SEARCH REPORT

International Application No

PCT/EP2004/013787

## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

| Category * | Citation of document, with indication, where appropriate, of the relevant passages  | Relevant to claim No. |
|------------|---|-----------------------|
| Y          | WO 01/78532 A (NESTLE SA ;BOZA JULIO (CH);<br>BALLEVRE OLIVIER (CH); FINOT PAUL ANDR)<br>25 October 2001 (2001-10-25)<br>claims 2,4,9,16; examples 1,2<br>page 4, lines 1-9,30-32<br>page 5, line 28 - page 7, line 17<br>----- | 1-11                  |
| Y          | WO 03/075903 A (UNIVERSITEIT LEIDEN<br>;MATYSIK JOERG (NL); ALIA (NL); BACKENDORF<br>CLA) 18 September 2003 (2003-09-18)<br>claims 1,2,6-9,22,30<br>page 3, lines 10-20<br>page 8, lines 7-20<br>-----                          | 1-11                  |
| Y          | EP 1 161 945 A (SOLARTIUM ESTABLISHMENT)<br>12 December 2001 (2001-12-12)<br>claims 1,6<br>page 2, lines 5-8,21-24<br>page 3, lines 15-31<br>-----  | 1-11                  |
| Y          | WO 03/013487 A (DIOGUARDI FRANCESCO<br>SAVERIO ;CONTI FRANCO (IT); PROFESSIONAL<br>DIETE) 20 February 2003 (2003-02-20)<br>claims 1,7<br>page 3, lines 2-12<br>page 4, lines 18-35<br>-----                                     | 1-11                  |

# INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/EP2004/013787

| Patent document<br>cited in search report |   | Publication<br>date | Patent family<br>member(s) | Publication<br>date |
|---|---|---------------------|----------------------------|---------------------|
| US 5384308                                | A | 24-01-1995          | US 5788967 A               | 04-08-1998          |
| DE 10221403                               | A | 04-12-2003          | DE 10221403 A1             | 04-12-2003          |
| EP 0764405                                | A | 26-03-1997          | US 5714472 A               | 03-02-1998          |
|   |   |                     | AT 227520 T                | 15-11-2002          |
|   |   |                     | DE 69624768 D1             | 19-12-2002          |
|   |   |                     | DE 69624768 T2             | 02-10-2003          |
|   |   |                     | DK 764405 T3               | 10-02-2003          |
|   |   |                     | EP 0764405 A2              | 26-03-1997          |
|   |   |                     | ES 2185744 T3              | 01-05-2003          |
|   |   |                     | PT 764405 T                | 31-03-2003          |
| WO 0178532                                | A | 25-10-2001          | CA 2404005 A1              | 25-10-2001          |
|   |   |                     | CN 1422125 A               | 04-06-2003          |
|   |   |                     | WO 0178532 A1              | 25-10-2001          |
|   |   |                     | EP 1274322 A1              | 15-01-2003          |
|   |   |                     | HU 0300299 A2              | 28-07-2003          |
|   |   |                     | JP 2003530411 T            | 14-10-2003          |
|   |   |                     | MX PA02010058 A            | 10-03-2003          |
|   |   |                     | NO 20024743 A              | 03-12-2002          |
|   |   |                     | PL 358876 A1               | 23-08-2004          |
|   |   |                     | US 2004096478 A1           | 20-05-2004          |
| WO 03075903                               | A | 18-09-2003          | EP 1342474 A1              | 10-09-2003          |
|   |   |                     | AU 2003214719 A1           | 22-09-2003          |
|   |   |                     | WO 03075903 A2             | 18-09-2003          |
| EP 1161945                                | A | 12-12-2001          | IT MI20001257 A1           | 07-12-2001          |
|   |   |                     | EP 1161945 A2              | 12-12-2001          |
|   |   |                     | US 2002013359 A1           | 31-01-2002          |
| WO 03013487                               | A | 20-02-2003          | IT T020010804 A1           | 10-02-2003          |
|   |   |                     | CA 2455776 A1              | 20-02-2003          |
|   |   |                     | EP 1414431 A2              | 06-05-2004          |
|   |   |                     | WO 03013487 A2             | 20-02-2003          |
|   |   |                     | JP 2005501068 T            | 13-01-2005          |
|   |   |                     | US 2004192756 A1           | 30-09-2004          |